

International Law in News



Key Details of Iran's Nuclear Deal

<http://www.bbc.com/news/world-middle-east-33521655>

14 July 2015 marks a significant period in the effort to pursue non-proliferation of nuclear arms. Iran has agreed to a long-term nuclear non-proliferation deal with the P5+1 states (five permanent members of the United Nations Security Council namely China, France, Russia, United Kingdom, United States plus Germany) and the European Union in what is called the Joint Comprehensive Plan of Action (JCPOA).

Under the JCPOA, Iran has agreed to reduce 98% of its uranium stockpile from 15,000 kg to 300 kg for a period of fifteen years. In addition, Iran will reduce the number of centrifuges it currently possesses, namely from 20,000 centrifuges to no more than 5,060 of the oldest and least efficient centrifuges in the Natanz facility for 10 years. Under the same fifteen-year period, Iran will be limited to enriching uranium at 3.67%, an amount sufficient for civilian nuclear power and research,

however nowhere close for building a nuclear weapon. After the fifteen-year period, physical limits and the enrichment cap will be removed, including the geographic limitation on nuclear facilities.

Research and development will be limited at Natanz for a period of eight years. Further, no enrichment will be permitted at the Fordo facilities under the fifteen year period, whereby the facility will be converted into a nuclear, physics and technology center. The 1,044 centrifuges still located at the site will be designated to produce radioisotopes for use in medicine, agriculture, industry, and science. Iran has also agreed to decommission the Arak heavy-water nuclear facility which creates plutonium suitable for a nuclear bomb. Prior to JCPOA, the world powers intended to have the Arak dismantled. However, pursuant to an interim agreement in November 2013, Iran agreed to not further fuel the reactor of the Arak

facility.

Another key-aspect of the JCPOA is that Iran has committed into not developing nuclear arms covertly. The White stated that the JCPOA will prevent Iran from building a nuclear program in secret.

Following JCPOA, the UN, US, and EU, has agreed to lift sanctions previously imposed against Iran. The lifting of these sanctions has allowed Iran to recover more than \$100 billion in assets which were previously fro-

zen. However, sanctions will not be lifted until the International Atomic Energy Agency (IAEA) until Iran has fulfilled its end of the bargain. As part of their investigation into the possible military dimensions of Iran's nuclear programs, IEAE inspectors will be authorized to directly visit Iran's nuclear facilities. If Iran violates any JCPOA provision, the UN will immediately revert the lifting of sanctions for a period of ten years with a possibility of a five year extensions.

(RM)

Asylum Seekers in Europe make Germany Waive Dublin Regulation “How is the Migrant Crisis Dividing EU Countries”

<http://www.bbc.co.uk/news/world-europe-34278886>

<http://www.ecre.org/topics/areas-of-work/protection-in-europe/10-dublin-regulation.html>

Many migrants want to get asylum in Germany or Sweden, but those countries want their EU partners to show “solidarity” and share the burden as the Central Europe is the new migrant hotspot. The conservative Hungarian Prime Minister Viktor Orban has said Europe's Christian heritage is under threat because most of the migrants are Muslims. He accused Germany of encouraging the influx

by welcoming so many migrants and rejected the [EU Commission's proposal for mandatory quotas](#) to distribute 160,000 migrants EU-wide. This year Hungary became a migrant hotspot because it is in Central Europe and in the [Schengen passport-free zone](#) - a gateway for migrants bound for Germany. The route through Greece and the Balkans became very popular because Libya and the sea passage to

Italy proved extremely risky.

Chancellor Angela Merkel says Germany will look after genuine refugees, fulfilling its international humanitarian duty. There has been an outpouring of sympathy and help for the new arrivals, from many ordinary Germans. But Germany says its welcome does not extend to economic migrants from outside the EU. Germany wants to ensure an orderly entry of migrants that includes registering every new arrival. The influx has put huge pressure on some cities, such as Munich, as many migrant hostels are now full. Germany expects at least 800,000 asylum seekers this year - about four times the number it handled last year. It has urged its EU partners to back mandatory quotas - something that France, Italy and Greece also want.

Mrs Merkel's Bavarian allies, the CSU, called Berlin's approach to migration "an unparalleled political error". Other German regional leaders have also criticized the policy. Germany said it would take in Syrian refugees wherever in the EU they had first arrived. Sweden had earlier announced a similar policy. It means that the EU's Dublin Regulation is de facto suspended. That rule says a

migrant's asylum claim should be processed in the European country where he/she first arrives.

The recast Dublin Regulation establishes a hierarchy of criteria for identifying the Member State responsible for the examination of an asylum claim in Europe. This is predominantly on the basis of family links followed by responsibility assigned on the basis of the State through which the asylum seeker first entered, or the State responsible for their entry into the territory of the EU Member States, Norway, Iceland, Liechtenstein and Switzerland.

The aim of the Regulation is to ensure that one Member State is responsible for the examination of an asylum application, to deter multiple asylum claims and to determine as quickly as possible the responsible Member State to ensure effective access to an asylum procedure. The recast Dublin Regulation entered into force in July 2013 and is aimed at increasing the system's efficiency and ensuring higher standards of protection for asylum seekers falling under the Dublin procedure. It contains improved procedural safeguards such as the right to information, personal interview, and access to remedies as well as a mechanism

for early warning, preparedness and crisis management. It applies to applications for international protection lodged as from 1 January 2014. Together with the recast Dublin Regulation, three other legal instruments constitute the “Dublin System”: Regulation (EU) No. 603/2013 concerning the establishment of ‘Eurodac’ for the comparison of fingerprints for the effective application of the recast Dublin Regulation and Regulation (EU) No. 118/2014 which amends Regulation (EC) No. 1560/2003 laying down detailed rules for the application of the recast Dublin Regulation.

As the recast Dublin Regulation only became applicable from 1 January 2014 it remains to be seen how it will be applied in practice. However recent publications such as the Dublin Transnational Network project ‘Dublin II Regulation: Lives on Hold’ report, show that the operation of the Dublin Regulation often acts to the detriment of refugees. Its application can cause serious delays in the examination of asylum claims, and can even result in asylum seekers’ claims never being heard. Areas of concern include the excessive use of detention to enforce transfers of asylum seekers, the separation of families, the

denial of an effective opportunity to appeal against transfers and the limited use of the discretionary provisions within the Regulation to alleviate these and other problems. It also impedes integration of refugees by forcing them to have their claims determined in Member States with which they may have no particular connection. Similarly the operation of the Dublin system may also increase pressures on those Member States at the external borders of Europe, where States are often least able to offer asylum seekers support and protection.

Recent developments have highlighted the flaws in the Dublin system including the numerous Court challenges both at the European and national level against transfers to Greece and the proposal to recast the Dublin Regulation. Over the past few years there has been a significant amount of Court litigation whereby asylum seekers challenged transfers to other Member States under the Dublin system, both for protection concerns and due to inadequate reception conditions, at the national level and at the European level. This culminated on January 2011 when the Grand Chamber of the European Court of Human Rights ruled in *M.S.S. v Belgium*

& Greece amongst other findings that Belgium had violated Article 3 and 13 of the European Convention of Human Rights by sending asylum seekers back to Greece under the Dublin Regulation. The Court ruled that Belgium was in violation of Article 3 for exposing the applicant to risks arising from the deficiencies of the asylum procedure in Greece, as well as exposing the applicant to the detention and living conditions there. With regard to the national appeal procedure in Belgium, the Court held that Belgium was in violation of Article 13 in conjunction with Article 3 because of the lack of an effective remedy against the Dublin decision.

Similarly in December 2011 the Court of Justice of the European Union in the case of NS & ME that Member States have an obligation not to transfer asylum seekers to Member States where they would face inhuman or degrading treatment in violation of Article 4 of the Charter. It is clear from these Court rulings that the Dublin System cannot work on the basis of a conclusive presumption that asylum seeker's fundamental rights in each Member State will be observed. Member States will have to ensure that they apply the Dublin Regulation in a manner which respects the fundamental rights of refugees.

(BEW)

United States of America Begins Talk with Russia on Syria Issues

http://www.nytimes.com/2015/09/19/world/europe/us-to-begin-military-talks-with-russia-on-syria.html?ref=topics&_r=0

As the first Russian combat aircraft arrived in Syria, the Obama administration reached out to Moscow on Friday to try to coordinate actions in the war zone and avoid an accidental escalation of one of the world's most volatile conflicts. The diplomatic initiative amounted to a pivot for the Obama administration, which just two weeks ago delivered a stern

warning to the Kremlin that its military buildup in Syria risked an escalation of the civil war there or even an inadvertent confrontation with the United States. Last week, President Obama condemned Russia's move as a "strategy that's doomed to failure."

But the White House seemed to acknowledge that the Kremlin had effectively changed the calcu-

lus in Syria in a way that would not be soon reversed despite vigorous American objections. The decision to start talks also reflected a hope that Russia might yet be drawn into a more constructive role in resolving the four-year-old civil war.

At Mr. Obama's instruction, Defense Secretary Ashton B. Carter on Friday opened a dialogue on Syria with his Russian counterpart, Defense Minister Sergei K. Shoigu, aimed at making sure that American and Russian forces avoid running into each other by mistake. The Russians have sent tanks, other equipment, marines and now combat aircraft to their new military hub near Latakia in western Syria. The Americans have flown hundreds of air missions in Syria striking the Islamic State, also known as ISIS or ISIL. But while Mr. Carter's initial military-to-military talks were limited in scope, officials indicated that the larger goal was to draw the Russians into a political process that would ultimately replace Syria's government of President Bashar al-Assad, a longtime ally of the Kremlin. "The president believes that a mil-to-mil conversation is an important next step," Secretary of State John Kerry said on Friday in London, where he

was visiting to consult with allies. "It will help to define some of the different options that are available to us."

Still, the stakes have become even higher, as a senior United States official on Friday confirmed that four Russian Su-27 fighter aircraft had been deployed to the air base in recent days, along with four large Hip troop-transport helicopters and four Hind helicopter gunships. The official, who spoke on the condition of anonymity to discuss intelligence reports, said that more than 20 Condor transport plane flights had delivered weapons and equipment to the air base in the past 10 days.

The Russian military buildup in Syria could serve the Kremlin's interests in several ways. It could help strengthen Mr. Assad, whom Russia has long backed and who has suffered a number of military reversals in recent months. It could put Moscow in a stronger position to shape the formation of a new Syrian government if Mr. Assad is pushed out of power. It also helps Russia cement its strategic interests in what experts say is its most important new Middle East military outpost in decades. Some former diplomats view the Russian move as a brazen effort

to undercut American influence in the region.

“The whole region is watching this,” said James F. Jeffrey, a former American ambassador in Iraq and Turkey. “Russia is trying to change the security dynamic in the Middle East and demonstrating that it supports its allies to the hilt. The White House is sitting there and worrying about de-conflicting airplanes when we should be upping our efforts against Assad.”

But after failing to impede the buildup by convincing nations to close their airspace to Russian transport planes — Bulgaria banned the flights but Iraq did not — the White House is trying to make the best out of a situation it feels it is powerless to prevent. Administration officials have long argued that Mr. Assad’s brutal and often indiscriminate crack-down against its foes has encouraged support for the Islamic State, also known as ISIS or ISIL. And they seem intent on exploring the closed-door comments by Russian diplomats that they are not wedded to the Syrian leader.

As Western officials look for a political solution, they appear to be demonstrating some flexibility.

Though the Obama administration has long said that Mr. Assad must go in order for there to be a durable solution to the Syria crisis, Mr. Kerry allowed for the possibility that Mr. Assad might remain in power in the short term.

“Our focus remains on destroying ISIL and also on a political settlement with respect to Syria, which we believe cannot be achieved with the long-term presence of Assad,” Mr. Kerry said at the start of a meeting here with Abdullah bin Zayed, the United Arab Emirates foreign minister. “But we’re looking for ways in which to try to find a common ground.” Philip Hammond, the British foreign secretary whom Mr. Kerry is scheduled to meet on Saturday, made a similar point earlier this month.

“We are not saying Assad and all his cronies have to go on day one,” Mr. Hammond told a parliamentary committee. “If there was a process that was agreed, including with the Russians and the Iranians, which took a period of months and there was a transition out during that period of months, we could certainly discuss that.”

(BEW)